

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 017661/0181

Applicant: Takashi NAKAGAWA

Title: SIGNAL TRANSMISSION DEVICE OF BASE STATION AND CDMA  
MOVABLE COMMUNICATION SYSTEM USING SAME

Serial No. 10/048,059

Filed: June 6, 2002

Examiner: Unassigned

Art Unit: 2681

RECEIVED

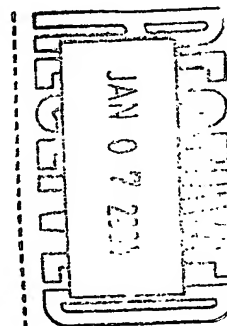
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Technology Center 2600

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:



Submitted herewith on Form PTO-SB08 is a list of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any documents which is determined to be a prima facie prior art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

**CERTIFICATION**

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that items of information A3 and A4 listed on the Form PTO SB/08 submitted with this Information Disclosure Statement were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. Items of information A1 and A2 are U.S. patents that are counterparts to items of information A3 and A4, respectively.

**RELEVANCE OF EACH DOCUMENT**

A translation of a portion of a Korean Office Action that issued October 15, 2003 with respect to a counterpart Korean patent application is provided below.

"The invention of the present application relates to a base station transmitter which, in a variable attenuation means capable of controlling the level attention of a modulation output signal on the input side of a transmission amplification mean, keeps the input of the transmission amplification means from exceeding a

limit value, as well as to a mobile communication system employing said base station transmitter, with Scope of Patent Claims 1 and 3 being for a "base station transmitter distinguished in that it prevents occurrence of transmission spectrum distortion, whereby the input of a transmission amplification means is kept from exceeding a limit value by a variable attenuation means, comparing it to a threshold value and notifying a higher level control device."

However, it is judged that the aforementioned claims of the invention of the present application could have been easily invented by a person having ordinary knowledge in the technical field in question by combining "a base station transmission power control method whereby the transmission power for all channels is computed and compared to a maximum power value, and the power attenuation rate is computed and stored to control the transmission for transmission channels," which constitutes the technical features of appended Japanese Unexamined Patent Application Publication H11-74834 (16 March 1999; Cited Reference 1), which is in the same technical field, and "a mobile communication system based on a transmission power control unit which computes the sum of the transmission power signals for the channels," which constitutes the technical features of the appended Japanese Unexamined Patent Application Publication H9-36801 (7 February 1997; Cited Reference 2), which is in the same technical field (Article 29, Paragraph 2 of the Patent Law)."

Applicant's statements regarding the Korean Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Korean Office Action.

Applicant respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

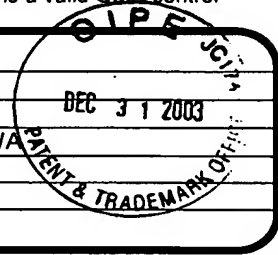
December 31, 2003  
Date

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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Date Submitted: December 31, 2003 (use as many sheets as necessary)		<b>Complete if Known</b> Application Number: 10/048,059 Filing Date: 06/06/2002 First Named Inventor: Takashi NAKAGAWA Group Art Unit: 2681 Examiner Name: Unassigned Attorney Docket Number: 017661-0181	
Sheet	1	of	1



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	5,794,129		KOMATSU	01/11/1998	RECEIVED JAN 02 2004 Technology Center 2600
	A2	6,393,005		MIMURA	05/21/2002	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A3	JP	9-36801			02/07/1997		ABST
	A4	JP	11-74834			03/16/1999		ABST

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.